United Nations S/2018/752

Security Council

Distr.: General
1 August 2018

Original: English

Letter dated 31 July 2018 from the Secretary-General addressed to the President of the Security Council

In paragraph 43 of resolution 2399 (2018), the Security Council requested the Secretariat to provide benchmarks to assess the arms embargo measures in the Central African Republic according to the progress of security sector reform, including with respect to the Central African Armed Forces and internal security forces and their needs, on the basis of option 3 of my letter dated 10 July 2017 to the President of the Security Council (S/2017/597).

The present letter reflects the consultations of the Secretariat with the Central African authorities, the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), the Panel of Experts on the Central African Republic, the United Nations Institute for Disarmament Research (UNIDIR), the European Union Military Training Mission in the Central African Republic, the diplomatic community and civil society in the Central African Republic. On 21 May 2018, consultations were held in New York with the Permanent Representative of the Central African Republic to the United Nations and, on 6 June, a videoconference was held with the Minister of Defence of the Central African Republic, Marie-Noëlle Koyara. On 30 May, the Secretariat briefed the Security Council Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic on the assessment mission to the Central African Republic, which was conducted from 12 to 15 June.

The present benchmarks to assess the arms embargo measures are also guided by my letter dated 15 May 2018 to the President of the Security Council (S/2018/463), in which I provided recommendations on the support for the progressive and coordinated redeployment of the armed forces units trained by the European Union Military Training Mission in the Central African Republic, in support of the national joint five-year concept for the deployment of the armed forces and the internal security forces validated in February 2018.

The proposed benchmarks, supplemented with specific targets, could serve as a basis for the Security Council to assess the contribution and relevance of the arms embargo to supporting the relevant aspects of the security sector reform programme, the national management of weapons and ammunition and the prevention of the illicit proliferation of small arms and light weapons. They could also promote greater understanding among the Central African authorities of the arms embargo, in particular its exemption provisions, and facilitate closer collaboration between the Central African authorities and the Committee on this issue.

Please recycle

Arms embargo

Following the coup d'état by the Séléka armed groups on 24 March 2013 and the collapse of the Central African defence and security forces, the Government lost all control over weapons and ammunition in its custody, and the Séléka equipped most of its ranks from government stockpiles during its march on Bangui, resulting in the illicit proliferation of weapons and ammunition throughout the territory and contributing to continued instability. This situation has been compounded by the ongoing illicit flow of weapons and ammunition from the territories of neighbouring States into the Central African Republic, mainly for the benefit of non-State armed groups. Decades of politicization and polarization along ethnic lines had left the national armed forces fractured and with uncertain loyalties and contributed to fuelling successive conflicts in the country. Some elements of the armed forces collaborated with armed groups and committed violations of international human rights and humanitarian law during the 2012–2013 conflict and beyond. To address that situation, the Security Council adopted specific sanction measures to contribute to the restoration of peace and security in the Central African Republic. Those measures accompany other peace and security instruments and decisions based on the Charter of the United Nations, including the deployment of MINUSCA. On 5 December 2013, with its resolution 2127 (2013), the Council imposed a general arms embargo on the territory of the Central African Republic. In addition, on 28 January 2014, the Council adopted an asset freeze and a travel ban that might be imposed on individuals and entities acting in breach of certain actions specified in the resolution. The Committee's sanctions list currently contains the names of 11 individuals and two entities. The first designations in the Committee took place in May 2014, and the most recent in May 2017.

Since its establishment in 2013, the arms embargo had been modified by the Security Council. In 2015, following a request from the Government of the Central African Republic to ease the embargo and a visit of the Chair of the Committee to the country, the Committee amended its guidelines to allow the Central African authorities to submit arms embargo exemption requests and notifications, as a confirmation of the Committee's support to the Central African authorities in the reform of the security sector.

In January 2016, with its resolution 2262 (2016), the Security Council eased the arms embargo, requiring only a notification to the Committee for the provision of non-lethal materiel and operational and non-operational training to the Central African authorities.

There are currently three distinct exemptions to the arms embargo, contained in resolution 2399 (2018): exemptions subject to the approval of the Committee; exemptions requiring an advance notification to the Committee; and standing exemptions for which no prior approval from or notification to the Committee is required. There are no exemptions under the arms embargo for non-State armed groups in the Central African Republic, which are all prohibited from receiving weapons from any source.

First, arms embargo exemptions subject to the approval of the Committee are for:

(a) Supplies brought into the Central African Republic by Chadian or Sudanese forces solely for their use in international patrols of the tripartite force established on 23 May 2011 in Khartoum by the Central African Republic, Chad and the Sudan, to enhance security in the common border areas, in cooperation with MINUSCA;

(b) Supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance or training;

(c) Supplies of arms and other related lethal equipment to the Central African security forces, including State civilian law enforcement institutions, intended solely for support for or use in the Central African process of security sector reform;

(d) Other sales or supply of arms and related materiel, or provision of assistance or personnel.

Second, Member States and international organizations are required to submit advance notifications to the Committee regarding the provision of the following assistance and equipment:

(a) Supplies of non-lethal equipment and provision of assistance, including operational and non-operational training to the Central African security forces, including State civilian law enforcement institutions, intended solely for support for or use in the Central African process of security sector reform, in coordination with MINUSCA;

(b) Supplies of small arms and other related equipment intended solely for use in international-led patrols providing security in the Sangha River Tri-national Protected Area to combat poaching, the smuggling of ivory and arms and other activities contrary to the national laws of the Central African Republic or its international legal obligations.

Third, arms embargo standing exemptions for which no prior approval from or advance notification of the Committee is required are for:

(a) Supplies intended solely for the support for or use by MINUSCA and the European Union training missions deployed in the Central African Republic, French forces under the conditions provided in paragraph 65 of resolution 2387 (2017), and other Member States forces providing training and assistance;

(b) Protective clothing, including flak jackets and military helmets, temporarily exported to the Central African Republic by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel, for their personal use only.

Since the imposition of the embargo, the Committee has received 54 exemption requests and 44 notifications from Member States and international organizations (including MINUSCA, the United Nations Development Programme and the European Union). As a result, the import of approximately 5,000 weapons of various types and 7 million rounds of ammunition has been approved by the Committee, with approximately 3,300 weapons and 7 million rounds of ammunition already transferred to the Central African Republic, in support of the security sector reform programme.

Under the arms embargo exemption provisions, the Government of the Central African Republic may submit requests to the Committee to receive arms and related materiel, and support has been provided to the Government in this regard. Since 2015, the Committee has convened several meetings on the arms embargo, including with the European Union Military Training Mission in the Central African Republic, MINUSCA, UNIDIR, the Mine Action Service and the Central African authorities, which have strengthened the dialogue between the Committee and the Government and facilitated a better understanding of the regime, including its notification and exemption procedures. In 2017, the Panel of Experts also organized a briefing in Bangui for the national authorities. I also note that MINUSCA has played an essential support role in assisting the Central African authorities with their exemption requests, over and above the other tasks of the Mission.

To date, the Government of the Central African Republic has submitted a total of 12 exemption requests, of which 10 have been approved by the Committee and 2 are still under consideration.

The Government has also submitted seven notifications. The primary recipient of weapons and ammunition has been the armed forces, followed by the internal security forces (police and gendarmerie). Several requests have been transmitted by the Ministry of the Environment, Water and Forests to provide lethal and non-lethal equipment for the rangers associated with the Chinko project, with a view to combatting poaching. No requests so far have been submitted by the customs authorities, which fall within the purview of the Ministry of Finance and Budget, or by the Ministry of Mines, Energy and Water Resources, whose Special Anti-Fraud Unit enforces the implementation of national legislation regulating the mining industry.

The Ministry of Foreign Affairs, African Integration and Central Africans Abroad is the focal point for the submission of exemption requests and notifications to the Committee, through the Permanent Mission of the Central African Republic to the United Nations. An interministerial coordination committee on the arms embargo, chaired by the Ministry of Foreign Affairs, was established in August 2017 to ensure broad understanding of the arms exemption provisions across all relevant ministries and to work towards the balanced provision of weapons and assistance to all relevant security services in the Central African Republic. However, owing to the lack of resources, the coordination mechanism led by the Ministry of Foreign Affairs has not been sufficiently operational. To remedy this, the Ministry of Defence has established its own subcommittee to prepare exemption requests and notifications.

To date, because of its progress in the development and implementation of strategic plans, the defence sector has been able to receive arms and ammunition through the arms embargo exemption provisions. Similar progress could be made in other parts of the security sector (internal security forces, mines, water and forests, customs), including by detailing the functions and requirements of the requesters, thereby enabling related institutions to receive the appropriate support under the arms embargo. On the other hand, effective interministerial coordination on the arms embargo could enable the Central African authorities to prioritize specific areas that require support and help to better liaise with potential partners.

The assessment team noted the ratification by the Central African Republic of the Central African Convention for the Control of Small Arms and Light Weapons, Their Ammunition and All Parts and Components That Can Be Used for Their Manufacture, Repair and Assembly (the Kinshasa Convention) on 24 October 2012 and its accession to the Arms Trade Treaty on 7 October 2015, and it encouraged the Central African authorities to continue to take advantage of the forum provided by the Kinshasa Convention to enhance and operationalize regional cooperation in addressing the illicit traffic in small arms and light weapons, in particular by non-State armed groups.

At the first Conference of States Parties to the Kinshasa Convention, held in Yaoundé from 11 to 13 June 2018, the Conference adopted a declaration in which it highlighted, inter alia, that the access of non-State actors to small arms and light weapons constituted a threat to security, stability and development in Central Africa. In the same declaration, it also stated that regional States should cooperate with the Central African Republic to address the illicit manufacturing of and traffic in weapons and ammunition in the subregion. The Government of the Central African Republic expressed appreciation for the progress made in processing requests for exemptions, which had allowed the initial deployments of armed forces in operations conducted jointly with MINUSCA. The gradual redeployment of professional and inclusive

defence and security forces remains a key government priority, along with the promotion of inclusive dialogue; disarmament, demobilization and reintegration; the security sector reform; and national reconciliation. At the same time, the Central African authorities have repeatedly called for the termination of the arms embargo, as they perceive it to hinder support for the legitimate government security forces, while failing to impede the supply of arms to illegal non-State armed entities engaged in illicit economic activities and violence against civilians.

Proposed benchmarks

The present section outlines three key benchmarks (with specific targets) for the Security Council to assess the arms embargo in the Central African Republic, in particular to measure how it contributes to the overall stabilization of the country. The benchmarks and related targets set out below should be reviewed to assess their progress, as appropriate.

Benchmark 1: progress on the security sector reform, including the armed forces and the internal security forces and their needs

Further to paragraph 43 of resolution 2399 (2018), a benchmark for progress with the security sector reform, including the armed forces and the internal security forces and their needs, would be helpful to assess the continued need for the arms embargo regime in relation to the Central African security services. Ultimately, such progress should lead to professional and accountable national defence and security forces capable of using and managing weapons and ammunition in an appropriate manner, reducing the risks of their illicit transfer and misuse against the population. It would also contribute to achieving the objectives set forth in my letter to the President of the Security Council of 15 May 2018.

The first target would be for the defence and security forces to uphold the principles of accountability and of the rule of law. Such a target would be measured against progress made in putting in place the required strategic, legislative and regulatory frameworks that provide effective civilian oversight and improved mechanisms for accountability for breaches of discipline and conduct.

The second target would be to transform the Central African defence and internal security forces into inclusive, professional, ethnically representative and regionally balanced forces. This target would be measured against the efforts to launch an inclusive recruitment process and to integrate demobilized individuals from armed groups and ensure proper vetting of new recruits.

The third target would be to ensure that these forces are progressively supported in a regular and reliable manner. This would be measured against national efforts to increase the necessary budget allocations and resources and ensure the regular salary and subsistence payments of deployed units.

The fourth target would be to ensure that these forces gain by their impartiality the trust and confidence of local populations in areas where they are deployed. This target would be measured against progress in the acceptance of the security forces by all communities, including through regular assessments of local perceptions.

Benchmark 2: progress on national weapons management and ammunition capacity

Further to paragraph 6 of resolution 2399 (2018), a benchmark on progress related to the ability of the Central African authorities to store and manage weapons and ammunition in their possession, including those transferred from the stocks of MINUSCA, and in accordance with international best practices and norms, could also

usefully inform the need to maintain the arms embargo. In this regard, ensuring that weapons and ammunition provided through exemptions are not diverted and illicitly trafficked would show progress in this area.

The first target would be to ensure full compliance with the arms embargo and its exemption procedures, including the full operationalization of required coordination mechanisms. This would be measured, inter alia, by the creation and effective implementation of a national system to receive, store, monitor and track arms and ammunition, as well as the disposal of captured or seized military equipment, as well as the implementation of a national regulatory framework for the import of arms and ammunition, including those in private possession.

In addition, this target would be measured by the process of distributing weapons and ammunition to fully trained and vetted Central African defence and internal security forces. It would also be measured by a strong and effective coordination mechanism between the Government, security forces and relevant international partners to ensure coherence and transparency.

The second target would be to ensure that the Central African authorities match their request for weapons and ammunition with the availability of secure storage and management capacity. While the Central African authorities, with the support of the Mine Action Service, have improved their weapons and ammunition storage and management, this benchmark would help to ensure that the planning and scheduling of weapons requests and deliveries are matched with the development of storage and management capacities. There are currently 49 functional armouries in the entire country, with an approximate storage capacity of 6,500 weapons. As MINUSCA has assessed that the existing absorption capacity for the storage of weapons and ammunition may be reached in the near future, continued support from the international community will be required to build additional storage capacity and mentor security services to manage weapons and ammunition.

The third target would be that the Central African authorities ensure the collection or destruction of surplus, seized, unmarked or illicitly held weapons and ammunition, and incorporate such elements into the security sector reform and disarmament, demobilization and reintegration programme, in compliance with paragraph 3 of resolution 2399 (2018).

The Central African Republic would require sustained international assistance and cooperation to implement these weapons and ammunition management activities successfully. In this regard, Member States and relevant international and regional organizations in a position to do so should provide capacity-building support to the national Central African authorities, in particular in the areas of storage management (including storage facility construction, training and mentoring), marking and record-keeping, as appropriate.

Benchmark 3: progress on the effective monitoring and management of borders to address the illicit proliferation of small arms and light weapons

Further to paragraph 7 of resolution 2399 (2018), a benchmark should assess improved regional and national efforts to counter the illicit flow of weapons and ammunition into the Central African Republic and to ensure the traceability of the weapons and ammunition produced on the territories of the Central African Republic and neighbouring States, in particular to non-State armed groups.

The first target should be mounting efforts to increase cross-border cooperation to counter the illicit flow of weapons and ammunition into the Central African Republic. This target could be measured against increased efforts from regional States, with the support of international partners, to address known arms-trafficking

hubs in the Central African Republic, including through the allocation of sufficient resources and the deployment of personnel.

Known arms-trafficking hubs include Garoua Boulaï and Ngaoundaye (on the border with Cameroon); Moyen-Sido and Tisi (on the border with Chad); Béma, Satema and Mobaye, on the Ubangui River, which separates the Central African Republic from the Democratic Republic of the Congo; and Am Dafok (on the border with the Sudan). The arms embargo provides regional States with the legal framework to seize arms and related materiel coming in and out of the Central African Republic in those areas. When weapons are seized in the Central African Republic and in neighbouring countries, the Panel of Experts should be afforded the opportunity to inspect and document the seizures to ensure that appropriate investigations are undertaken to determine the source of those shipments, and should report to the Committee as appropriate. This target could therefore be measured by the number of weapons and ammunition seized. Furthermore, it could be measured against efforts to reactivate joint commissions between the Central African Republic and Chad, Cameroon and the Sudan, and the establishment of similar joint commissions with the Congo and the Democratic Republic of the Congo. These mixed commissions may usefully consider questions relating to countering arms and ammunition trafficking. However, it should be noted that the Central African Republic has little control over its borders and that illicit arms flows mainly benefit criminal organizations outside the country and facilitate the illicit activities of non-State armed groups in the Central African Republic.

The second target addresses national institution-building and legislative steps to strengthen the ability of the Central African Republic to address illicit weapons trafficking, in particular with regard to non-State armed groups. These include strengthening the capacity of law enforcement authorities other than the internal security forces, including border, customs and water and forests entities in the Central African Republic, to work alongside MINUSCA (Working Group on Arms Trafficking) in order to inspect any shipment and seize illicit weapons, taking into account the known trafficking hubs outlined above.

It could also be measured against progress in the functioning of the National Commission to Combat the Proliferation of Small Arms and Light Weapons, the development of the national strategy and action plan, as well as a review of legislation on national firearms control that dates back to 1964.

This could include using the baseline elaborated by the Panel of Experts in 2014, which would allow it to better appreciate the kinds of weapons in circulation and the potential quantity of arms held by armed groups, and would facilitate the collection of weapons in accordance with disarmament, demobilization and reintegration and other arms collection processes.

The third target is the disarmament, demobilization and reintegration of non-State armed groups in accordance with the related national programme. It is only with the complete disbandment of these groups and the reestablishment of an accountable State authority over the country, including by means of enabling legislative frameworks, that the aims of the arms embargo would be achieved.

Conclusion

I welcome the engagement and efforts of the Central African authorities to comply with the arms embargo regime and their active engagement to further improve the Government's understanding of the arms embargo. The arms embargo has not prevented the Government from receiving weapons through the prevailing exemption provisions. Weapons have been successfully requested and transferred under the auspices of the arms embargo and the supervision of the Committee, which has

facilitated the deployment of the armed forces units trained by the European Union Military Training Mission in the Central African Republic. This information needs to be more effectively communicated throughout the national security institutions of the Central African Republic, as well as to the population. To ensure that this momentum is maintained throughout the full security sector reform, the Government also needs to address its capacity for weapons management, which would in turn facilitate the further transfer of needed arms and related materiel.

The arms embargo, however, must also stem the illicit flow of weapons to non-State armed groups. This is an important performance indicator of the arms embargo for the people of the country, who are calling for relief from the predatory behaviour of these actors. Given the regional nature of the proliferation of small arms and light weapons, close and effective cooperation between the Central African Republic and its neighbours is essential. In this regard, the Chair and the Committee can play an important role in communicating and facilitating such regional cooperation.

I encourage the Security Council to consider the benchmarks that have been identified in the present report to assess the continued relevance of the arms embargo and its impact on the overall situation in the Central African Republic. Should the Council endorse the benchmarks, and given the mandate of MINUSCA to support the Central African authorities in the fulfilment of the tasks related to the security sector reform and the monitoring of the implementation of the measures renewed and modified by the Council in paragraph 1 of resolution 2399 (2018), I will report on their progress through my regular reports to the Council as well as through special reports, if required.

With the full commitment of the Government of the Central African Republic and the support of its international partners, I am confident that the arms embargo will continue to support the country as it makes steady progress in the redeployment plan and beyond.

I should be grateful if you would bring the present letter to the attention of the members of the Security Council.

(*Signed*) António **Guterres**